

Message Text

UNCLASSIFIED

PAGE 01 JAKART 07657 090629Z
ACTION SCS-06

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FM AMEMBASSY JAKARTA
TO SECSTATE WASHDC 9372

UNCLAS JAKARTA 7657

E.O. 11652: N/A
TAGS: EINV, ID
SUBJC: ALLEGED GOI EXPROPRIATION INVOLVING AMCIT

1. EMBASSY HAS BEEN APPROACHED BY ANTHONY F. HOETS, WHO CLAIMS US CITIZENSHIP BASED ON HIS BIRTH IN US IN 1956, FOR HELP IN SEEKING RESTITUTION FOR PROPERTY HE ALLEGES WAS EX-PROPRIATED WITHOUT COMPENSATION BY GOI. BASIC FACTS AS SET FORTH BY HOETS ARE THAT THE ENTIRE SHARE CAPITAL OF THE DUTCH COMPANY N.V. MATSCHAPPIJ ONROEREND BEZIT "HAROEMAN" WAS TRANSFERRED TO HIM IN 1956. THE COMPANY OWNED A NUMBER OF HOUSES AND OFFICE BUILDINGS, RESPONSIBILITY FOR WHICH WAS LEFT IN THE HANDS OF AN INDONESIAN NATIONAL. CONTACT WITH THIS INDIVIDUAL WAS BROKEN OFF AND HOETS LEARNED IN 1973 THAT THE PROPERTY HAD BEEN NATIONALIZED PURSUANT TO THE 1958 GOI LAW ON "NATIONALIZATION OF DUTCH-OWNED ENTERPRISES IN INDONESIA". MR. HOETS BASES HIS CASE PRIMARILY ON THE FACT THAT THE PROPERTY WAS AMERICAN RATHER THAN DUTCH-OWNED. HOETS HAS NOT PURSUED THIS CASE IN THE COURTS BECAUSE HE DOUBTS THAT HE WOULD RECEIVE A FAIR HEARING. IN AN APRIL 8, 1978 LETTER TO THE EMBASSY HE STATED THAT HE INTENDED TO TAKE UP THE MATTER WITH THE DEPT.

2. EMBASSY HAS ACKNOWLEDGED HOETS' LETTER, SUGGESTING THAT HE MAY WISH TO CONTRACT DEPT DIRECTLY REQUEST GUIDANCE AS TO WHAT FURTHER REPLY MAY BE MADE TO HIM.

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3. BEYOND THIS SPECIFIC GUIDANCE EMBASSY WOULD APPRECIATE DEPT'S EXPLANATION OF THE ASSISTANCE REQUIRED IN NATIONALIZATION OF FOREIGN REGISTERED COMPANIES THE OWNERSHIP OF WHICH BY AMERICANS IS ON SOMEWHAT SHAKY GROUND. IS THERE ANY OBLIGATION ON THE PART OF THE OWNER FIRST TO REQUEST ASSISTANCE FROM THE GOVERNMENT OF THE COUNTRY WHERE THE COMPANY IS REGISTERED? WHILE

THE EMBASSY DOES NOT WISH TO MAKE JUDGMENTS WE NOTE
THAT MR. HOETS' US CITIZENSHIP HAS NOT BEEN VERIFIED.
WE ALSO WONDER WHETHER THE FACT THAT THE PROPERTIES
WERE ALMOST CERTAINLY TRANSFERRED TO AVOID IMPENDING
ACTION BY GOI AUTHORITIES WOULD HAVE ANY BEARING ON
THE CASE.
MASTERS

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NNN

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